

1701-2, proceed "with a triumphant air", to justify their application to the county court, by virtue of the Acts 1704, ch. 34, and 1729, ch. 7. But, here too they fail. For, the Act 1704, so far as it relates to vestries, and the Law 1729, are not subsisting Laws of the province; they are virtually repealed, by the nullification of the Act 1701-2. An Act of Assembly impossible to be performed, is void; since, in the nature of things, it can have no execution. Where a Law therefore, requires any thing to be done, by certain persons who do not exist, such Law is a perfect nullity. For, the persons especially appointed to put it in execution, not existing, it by no possibility, can be performed. A. B. C. and D. are appointed commissioners by Act of Assembly to build a Jail; the commissioners die, or refuse to act, the Law becomes most clearly void; for it cannot possibly be performed. And, the many Acts of Assembly made for the express purpose of appointing other commissioners; where the former either died, or refused to act, proves this beyond contradiction. Every Law in the nature of it, must have something on which to operate; since, if it hath nothing to work on, it must for ever remain a dead letter, a mere non entity. The Acts of Assembly 1704, and 1729, empower the Vestrymen and Churchwardens, to do certain Acts, for instance, to levy a tax, or build a Church. If there are no Vestrymen and Churchwardens; or if they die; or refuse to act; these Acts become void. For, they can have no execution, nor, by any possibility can be performed. If these Laws have nothing to work or operate upon; and, they have nothing, if there are no Vestrymen and Churchwardens; they become a dead letter, a mere non-entity; in short, they expire, and must for ever remain in a state of the most lifeless inaction. We appeal to the understanding of the attentive reader, if we have not convinced him, that there can be no Vestrymen in this province independent of the Law 1701-2. If so, the unavoidable consequence is, that the Law 1704; so far as it relates to vestries, and the Act 1729, are expired, and are no longer subsisting Laws of the province. "Which was the point to be proved".

The first query addressed by Mr. Boucher, to Mess. Paca and Chafe is, by what authority do you act as Vestrymen? They answer; by authority of the parishioners, who nominated and elected them, by right founded in Common Law—Custom—and immemorial Usage. But, here they fail. For, it hath been clearly shewn, that the Freeholders or Parishioners have no right by Common Law—Custom—or Usage to nominate and elect Vestrymen. The second query is, Is there any Law to give a sanction to your power? The Gentlemen answer, that they rely on the Acts of Assembly 1704, ch. 34, and 1729, ch. 7. But, here too they fail. For, as hath been most clearly shewn, these Acts, independent of the Law 1701-2, are no longer subsisting Laws of the province.

To resist usurped power, or to refuse payment of illegal exactions; is the happy prerogative of Englishmen. We resisted the Stamp Act; and were made happy by its repeal. Those who are called the Parishioners of St. Anne's by Mess. Paca and Chafe, had no legal authority, independent of the Act 1701-2, to nominate and appoint Vestrymen. Such vestry, had no power by Law, to levy a tax of 5lb. of tobacco per poll, on the inhabitants. And the county court independent of the Law 1701-2 had no legal authority to assess such tax. A power absolutely indefinite, and neither limited or supported by Law; is always most dangerous to the liberties of the people, and generally gives the greatest alarm. A tax of 5lb. of tobacco, is a trifle; but, a power of imposing such tax, without the LEAST PRETENCE OF LAW, is no trifling consideration; because, it implies absolute servitude in all who submit to it. That the tax was necessary, is no justification of such imposition; for, a Highwayman will tell you, that necessity compelled him, to demand your money. But, the tax itself is not so much objected to, as the illegal authority which enjoined, the usurped power, which imposed it; and the dangerous consequence of such a precedent. Ye patriotick inhabitants of St. Anne's, exert your prerogative, by refusing to pay a most illegal exaction; save your money, and protect your liberties from invasion. If the Sheriff dares collect such a tax, under such an authority, let actions be immediately brought against him, to have him punished, and your rights declared. If Mess. Paca and Chafe do not stand forward the protectors of your rights, or defenders of your liberties; others there are, we trust, tho' perhaps not among the happy few, denominated the LAWYERS, who will cheerfully lend their aid in so glorious a cause. Resist, ye inhabitants of St. Anne's, an usurped authority, while resistance is yet in your power, or; resistance can have any effects.

Annapolis, 22d January, 1773.

FREEHOLDERS OF ST. ANNE'S.

B A R U T H, July 29.
A RUSSIAN Squadron of 21 ships, commanded by the Chevalier Pzaré, a Greek, came into our road the 12th instant, and cannonaded the town almost without ceasing, till the 23d, when they made a general landing, leaving only sailors enough on board to take care of their ships. Their landing struck such a panic on those who might have defended the town, that they left the enemy to enter without any resistance. The houses were immediately plundered, the goods carried off, and those who did not get out of the way, were inhumanly massacred without distinction of men, women or children. The effects of the Emir Mansour, the ally of Ali Bey, were only respected. The Russians entered the town in the night between the 23d and 24th, but the next day some thousands of Druses, sent by the great Emir Youfous, suddenly came in sight of the town, and making a most dreadful noise, advanced to attack them. The Russians, frightened in their turn, retreated precipitately on board their ships, leaving behind them great part of the things they had taken. Since that time the Squadron has remained out of reach of cannon shot,

and the town has sent them refreshments. The commanders offered to retire, if they would send sixty purses; since which, having furnished them with the necessities they wanted, they are gone away.

HAMBURG, OZ. 16. According to advices received from Riga, they are busied in pulling down the suburbs of that city, in order to raise new fortifications to defend it. And we learn from Elsinour, that they are hard at work in putting the Castle in the best posture of defence, and are busy in sending ammunition of all sorts to Norway.

L O N D O N,

OZ. 21. The Prince de Poniatowski, on his arrival in town from making the tour of England, proposed setting out on his return to Poland; but finding affairs in that kingdom still in a perplexed situation, is determined to stay in England, and has fixed his residence at Cambridge, for which place he set out yesterday.

Nov. 3. By advices from Hanover we are informed, that couriers are constantly passing between the Lords of the regency of that electorate and the king of Prussia.

Extract of a letter from an officer in the East-Indies to his friend in town, dated Trichinopoly, March 8.

"We marched from off these plains the 12th of September 1771, with about 10,000 fighting men, Europeans and Seepoys, besides many of the Nabob's rabble. We marched in two lines by the right, and in six days came before Vellum, a strong fort belonging to the King of Tanjour. The General summoned the fort to surrender, which the enemy refused; and the next day we took possession of their petta, being the outskirts of the garrison. The day following the King of Tanjour's horse, about 6000, stormed our camp to no purpose, as every man who rode in forgot ever to return. We took advantage of this success to carry on our approaches; but as soon as we opened a battery of two 18 and 24 pounders, they evacuated the garrison. After garrisoning this fort, we marched on to Tanjour; the march is but small, as the distance is but four Malabar miles, equal to seven of ours. The 26th of September we took possession of the petta, without any resistance. We broke ground the 29th, and erected an eight-gun battery, consisting of 18 and 24 pounders. The 30th the enemy who med it, took it, and burnt all the batteries and gabions, before we could get in our guns. The next day there was ordered a covering party, with a battalion of Seepoys, who retook the ground, raised a battery a second time, got in the guns, and began to knock off the defences of the walls.

The first of October the General got an account of the whole force being in motion; he therefore gave orders to have one Field-officer (which was Major Vaughan) and a brigade of guns, which I had the honour to command, to march down to the relief of the trenches, which we did. At day-break we discovered the enemy drawn up, rather irregular, consisting of about 6000 horse, seepoys and colleries, the whole amounting to about 13,000. We had no more at this time than about 1000 seepoys and 150 Europeans. About ten o'clock they began the attack upon our left very desperate, as it was their last push. The Major, not thinking our force sufficient, sent an express to camp for the grenadiers, who did not arrive till one o'clock. I was posted on the right of the whole, where I kept a continual fire from ten to twelve, when the whole body of horse made a charge on the right, as I supposed, to take the guns from my post. They were, fortunately for me, disappointed, as most of us were cut to pieces. I was by this time under the necessity of working the guns myself, as I had but four men left out of 14, to two guns.

The Killidare's son, Madar Cawn, who perhaps was one of the bravest men that ever existed, rode up full gallop to the very gun I was at; so that the man who was ramming home the charge, could scarce get off from his horse's trampling him; however, as luck would have it, my shot took place, and he fell between my two guns, having an entire round of grape-shot in his body, at three yards distance. The rest of his troops, on seeing him fall, took to the right about, and rallied. Just as they had formed, the grenadier's company came up, which critically saved us, as their reinforcement completed our victory.

After this we carried our approaches to the crest of the glacis, and opened our sea battery; but the day after we had completed the breach, the Nabob and Raji came to terms. This is the whole of the transactions with the King of Tanjour. There is now a very strong report of war with the Morattoes; but the grounds of this report I am at present ignorant of."

A prodigious concourse of people assembled on Tower-Hill, where a temporary stage had been built with back seats, on which appeared eight divines, seven of whom had been educated at the sole charge of the Countess of Huntingdon, who was present. After Psalm-singing, a Sermon was preached by the Rev. Mr. Piercy, Chaplain to the Countess, suitable to the occasion; the aforesaid gentlemen being to sail as missionaries to America.

Lately was discovered near Battel, in Sussex, a staff of prodigious length and thickness, which by the inscription upon it, seen through a microscope, appears to have been that used by William the Conqueror.

Nov. 3. Mr. Wilkes and Mr. Oliver had high words in the Council Chamber yesterday. Mr. Wilkes told Mr. Oliver, that his conduct to Mr. Lewes had been exceedingly unbecoming him, as a Sheriff and a Gentleman. Mr. Oliver asked Mr. Wilkes, if he did not write things in the papers, to set Mr. Lewes and him together? Mr. Wilkes answered, "Your own conduct will do that sufficiently. I shall give you no account of any anonymous writings. Send to me as a Gentleman, you shall have an immediate and full answer, as becomes my honour."

Yesterday came on, before the Lord Chancellor, at Lincoln's-In-Hall, a petition, signed by a number of

the creditors of Mr. Fordyce, late a bankrupt, complaining of the allowances or gifts made by several other creditors, without the consent of the petitioners, to Mr. James, Mr. Neal, and Mr. Down, late partners with Mr. Fordyce, and praying, that the same might be set aside; and likewise praying, that the present assignees might be discharged, or another added to those already appointed. After hearing counsel fully on all sides, his Lordship observed, that as to the first part of the prayer, he could not set aside an act, which in itself was illegal and void, and entirely against the statute; that as to the other part prayed by the petition; they were at liberty to proceed to the choice of another assignee, if they thought proper; but he was of opinion, that they could not do better than keep those Gentlemen of integrity and abilities already appointed. The abovementioned petition was signed by near 60 persons, creditors to the amount of 27,000l.

Extract of a letter from the Hague, October 29.

"The King of Poland has written a letter with his own hand to the States General, complaining heavily of the injustice lately practised by the division of Poland, as diametrically contrary to all the rights of nations; and concludes, with soliciting the assistance of their high Mightinesses to recover his territories. It is supposed, that the States General will not interfere in this affair. The Polish Prince Czartorisky is gone from hence with all his family, by way of Calais, to England."

The publick are mistaken when they think, that the congress at Fockzani was broke up on account of the unreasonable demands of Count Orlov; the Count of Russia demanded nothing more than her success: entitled her to demand. The real cause of that rupture was the Prussian Minister, who, under the pretence of facilitating the peace, had orders to prevent it. He did so; Count Orlov was his dupe, and for that reason was disgraced. The Prussian Minister went afterwards to the Russian camp, in order to widen the breach, and precipitate the operations of war.

The Visir discovered this duplicity, and made Romanzow acquainted with it. The armistice was prolonged, and the conferences are renewed with good hopes of success. This is not the only instance of duplicity in the Court of Berlin, as in a few days more will appear."

Nov. 10. It is reported that a frigate is arrived at Portsmouth, exports from the Mediterranean, with an account that one of his Majesty's ships, attempting to go into the harbour of Carthage, was fired upon from the fort; and that the Captain of the English ship resolutely returned the fire, but was soon overpowered, and obliged to strike.

It is said that orders have been given, for twelve ships of the line to be got ready to sail from Spithead, at an hour's warning.

Letters in town from Spain assert, for a fact, that the Spanish Admiralty have lately made a demand of one third of the twenty-two thousand registered seamen, from the different maritime provinces of that kingdom.

It is confidently reported, at the west end of the town, that the Spaniards have now three powerful fleets at sea, one at the Havanna; and two more ready to act as occasion requires.

It is reported that an account had been lately received from Galam, on the Coast of Africa, that money was never known so scarce, nor slaves so dear, as at present, most of the shorehouses being full of goods, as they cannot be sold but to disadvantage.

It is reported that the colony Agents intend to make application to Parliament, for leave to establish Mints for the coining of silver currency in America.

They write from Cork, that for many years there has not been known a greater demand for the exportation of all sorts of Irish provisions, particularly butter, several thousand barrels of which are now shipping for Holland and Hamburg.

It is reported, that the Court of Lisbon hath lately made some extraordinary concessions in favour of the British commerce, the particulars of which have not yet transpired.

ANNAPOLIS, JANUARY 28.

The Rev. Mr. Boucher's Reply to Mess. Chafe and Paca, not having come to Hand, till the Press was engaged by the Piece, signed Freeholders of St. Anne's, cannot be inserted this Week, but shall certainly have a Place in our next Paper.

D. R. GRAHAM, so well known for his peculiar Abilities in curing the Diseases of the Eyes and Ears, is expected in this City from Philadelphia, about the Middle of February.

To be sold at publick Vendue, on Monday the 8th Day of February next, if fair; if not the next fair Day, at the House where John M'Donall, deceased, lately lived, on the Head of Severn,

ALL the Household Furniture, Stock of Horses, black Cattle, Hogs, Corn, Fother, and Plantation Utensils of the said M'Donall, with the remaining Time of Seven Servants, for ready Money.

All Persons that are indebted to the said John M'Donall, are desired to come and pay to the Subscriber, and those who have open Accounts with him to bring them in, that they may be settled.

ROBERT COUDEN, Executor.

Lower Marlborough, January 19, 1773.

To be sold by Wholesale at a low Advance, for Cash or Bills,

ABOUT Fifteen Hundred Pounds prime Cost of Goods, well assorted.

COLIN CAMPBELL.

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